S. B. Civil Second Appeal No. 93/2003
(Mahaveer Prasad Vs. Amolak Chand)

22.2.2007

Hon'ble Mr. Justice R.M. Lodha

Mr. S.M. Mehta, Sr. Advocate for the appellant
Mr. R.K. Agarwal for the respondent

Mr. S.M. Mehta, Sr. Counsel for the appellant submits that appellant is not desirous of pressing the appeal since the respondent has agreed to give him time for vacation of the suit shop upto 31st March, 2009. He submits that Mr. Ramesh Chand S/o Shri Mahaveer Prasad is present in the Court.

2. Mr. R.K. Agarwal, the counsel for the respondent agrees that the respondent is agreeable to give time to the appellant upto 31st March, 2009 for vacation of the suit premises subject to usual conditions. He submits that Mr. Manoj Kumar S/o Amolak Chand is present in the Court.

3. In view of the submissions of the Sr. Counsel and the counsel for the parties, second appeal is dismissed as not pressed.However,the appellant is

granted time upto 31st March, 2009 for vacation of the suit premises on the following conditions:-

> (i) The appellant shall file an undertaking before this Court within four weeks from today that he shall vacate the suit premises on or before 31st March, 2009 and hand over the peaceful possession thereof to the respondent. In the undertaking the appellant shall also state that he will not create any third party right or interest in the suit shop.
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> (ii)The appellant shall pay / deposit the entire arrears of rent, if any, upto 31st January, 2007 within one month from today. The compensation for the period from February, 2007 upto 31st March, 2009 at monthly rate of rent shall be paid / deposited by the appellant in advance on or before 31st March, 2007.

4. In case of default of the aforesaid conditions or any one of them, the time granted to the appellant shall stand revoked and the respondent shall be at liberty to execute the decree.

R.M. Lodha, J.

DK/-